IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.7134 OF 2004

Shri Dilip Sonji Koli : Petitioner

V/s.

State of Maharashtra & Ors. : Respondents

...

Mr.R.K.Mendadkar for the petitioner.

Mr.C.R.Sonawane, Asstt. Govt. Pleader, for respondent nos.1, 2 & 5.

Mr.S.S.Hegde for respondent nos.3 & 4.

...

CORAM : S.RADHAKRISHNAN &
S.A.BOBDE, JJ.

October 26, 2004.

P.C.:

1. Rule, returnable forthwith.

Mr.Sonawane, learned Asstt. Govt. Pleader for respondent nos.1, 2 & 5 and Mr.Hegde for respondent nos.3 and 4 waive service.

By consent, taken up for hearing.

2. By this petition, the petitioner is challenging the order dated 7.11.2001 passed by respondent no.2 Committee

for Scrutiny and Verification of Tribe Claims, Nasik Division. The main challenge is that the petitioner was not afforded a reasonable opportunity of personal hearing before the impugned order was passed. Even respondent no.4 seems to have communicated to respondent no.2 Committee that the petitioner was not afforded a fair opportunity of personal hearing in the above matter. Under these circumstances, only on the limited ground that the impugned order was not passed after affording an opportunity of personal hearing to the petitioner, we quash and set aside the said order. In the said order, there is an observation that the petitioner is liable for criminal action for obtaining fake document by using the name and official Govt. seal of the Executive Magistrate, Jalgaon, by illegal and fraudulent means. With regard to the above, we make it clear that respondent no.2 Committee shall issue appropriate notice to the petitioner to show cause as to why criminal action should not be initiated against the petitioner for submitting fabricated Caste Certificate. Upon considering the reply on merits with regard to the caste claim as well as his reply with regard to the submission of the forged and fabricated document concerned, respondent no.2 Committee, after affording an opportunity to the petitioner, shall dispose of the same strictly on its merits, in accordance with law, as

expeditiously as possible, preferably on or before 30.4.2005. The learned counsel for the petitioner states that the petitioner will appear before the concerned Committee on 3.12.2004 at 11.00 a.m. to enable the Committee to fix the schedule of hearing.

3. The rule is made absolute in the above terms. In the event the petitioner succeeds before respondent no.2 Committee, the petitioner will be at liberty to approach respondent no.4 for reinstatement as the services of the petitioner were terminated by respondent no.4 on 24.11.2001. Respondent no.4 upon receipt of such application will consider the same. Needless to say that all contentions of all parties are expressly kept open.

Sd/-

(S. RADHAKRISHNAN, J.)

Sd/-

(S.A. BOBDE, J.)